REMARKS

In response to the Examiner's objection to claims 1-26, Applicant has amended claims 1, 3, 7, 9, 14, 16, 20 and 22. Applicant submits that these claim amendments overcome the objection. Applicant has also amended claim 7 to correct a typographical error.

Claims 1-11, 13-24 and 26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,311,159 to Van Tichelen et al. ("Van Tichelen"). Applicant respectfully traverses such rejection.

Van Tichelen discloses a speech controlled computer user interface which supports barge-in capability. As acknowledged by Applicant in the "Background Information" section of the present patent application, barge-in capability is known in the prior art. However, neither the prior art nor Van Tichelen teach barge-in capability providing for speech recognition on audio input to determine a corresponding text, and performing lexical analysis on said text to determine whether the text satisfies one or more conditions which reflect a relevant user response to a prompt, as set forth in Applicant's claimed invention. Applicant has amended claims 1, 7, 14 and 20 to more particularly point and distinctly claim this feature. More particularly, in Van Tichelen the only condition disclosed for continuing a prompt is the receipt of input. *See* Col. 15, lines 4-7. Van Tichelen does not teach continuing a prompt if one or more conditions are satisfied which reflect a relevant user response to said prompt. For at least these reasons, Applicant respectfully submits that claims 1-11, 13-24 and 26 are allowable over Van Tichelen.

The Examiner further rejected claims 12 and 25 under 35 U.S.C. 103(a) as being unpatentable over Van Tichelen in view of U.S. Patent No. 6,427,134 to Garner ("Garner"). Applicant submits that claims 12 and 25, as well as newly added dependent claim 27 and allowable over these patents for at least the same reasons discussed above. Furthermore, Applicant also respectfully submits that

the Examiner has not met the Examiner's burden of factually supporting the alleged motivation to combine the two patents.

It is the Examiner's burden to factually support any prima facie conclusion of obviousness. The Examiner's duty may not be satisfied by engaging in impermissible hindsight; any conclusion of obviousness must be reached on the basis of facts gleaned from the prior art. The preferred evidence to be offered by the Examiner is an express teaching to modify/combine which is set forth within objectively verifiable sources of prior art. *See* MPEP §§ 2141-2144. Applicant respectively submits that the Examiner has not satisfied her burden of factually supporting the alleged motivation to combine the Van Tichelen and Garner patents. For example, the Examiner has not cited to any express teachings within these patents which support a motivation to combine these patents to achieve Applicant's claimed invention. Therefore, Applicant submits that the Examiner has not established a prima facie case of obviousness, and Claims 12, 25 and 27 should therefore be allowable.

More particularly, Applicant submits that the Examiner has not cited to any teachings that would support a motivation to combine the voice activity detector especially suitable for use in mobil phones, as taught in Garner, with the speech controlled computer user interface which communicates between a user and an application program, as taught by Van Tichelen. Applicant further submits that the Examiner has not cited to any teachings that would support a motivation to combine the teachings of Garner and Van Tichelen, and that would achieve all of the elements of Applicant's claimed invention.

CONCLUSION

In view of the claim amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues

remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version With Markings To Show Changes Made."**

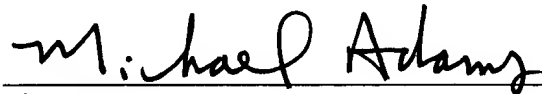Respectfully submitted,

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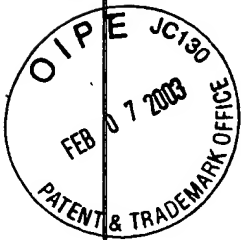
CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence (along with any item referred to as being enclosed herewith) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box Non-Fee Amendment, Commissioner for Patents, Washington, D.C. 20231, on January 30, 2003.

Michael Adams
Signature

Serial No. 09/495,608

In The Claims

Please amend claims 1, 3, 7, 9, 14, 16, 20 and 22, and add claim 27.

1.   A method of providing speech recognition with barge-in for a voice processing system comprising the steps of:

playing out a prompt to a user;

receiving audio input from the user while said prompt is still being played out;

performing speech recognition on said audio input to determine a corresponding text;

performing lexical analysis on said text to determine whether [or not] the text satisfies one or

more conditions which reflect a relevant user response to said prompt; and

responsive to said text satisfying said one or more conditions, terminating the playing out of

the prompt;

otherwise, continuing the playing out of said prompt.

2.   The method of claim 1, further comprising the step, responsive to said step of continuing the playing out of said prompt, of discarding said text.

3.   The method of claim 1, wherein said step of performing lexical analysis to determine whether [or not] the text satisfies one or more conditions comprises the step of scanning the text to see if it contains one or more predetermined words.

4.   The method of claim 3, wherein said one or more predetermined words are specific to the particular prompt being played out.

5.   The method of claim 1, in which said voice processing system and said user communicate with each other over a telephone network, whereby the prompt is played out over a telephone connection, and said audio input is received back over the telephone connection.

6.   The method of claim 1, further comprising the step of using one or more acoustic parameters of the audio input to assist determining whether to continue or to terminate playing out of said prompt.

7.   A voice processing system for providing speech recognition with barge-in, said voice processing system comprising:

means for playing out a prompt to a user;

means for receiving audio input from the user while said prompt is still being played out;

means for performing speech recognition on said audio input to determine a corresponding text;

means for performing lexical analysis on said text to determine whether [or not] the text satisfies one or more conditions <u>which reflect a relevant user response to said prompt</u>;

means responsive to said text satisfying said one or more conditions, for terminating the playing out of the prompt and;

otherwise, means for continuing the playing out of said prompt.

8.   The voice processing system of claim 7, further comprising the means, responsive to said means of continuing the playing out of said prompt, for discarding said text.

9.   The voice processing system of claim 7, wherein said means for performing lexical analysis to determine whether [or not] the text satisfies one or more conditions comprises means for scanning the text to see if it contains one or more predetermined words.

10.   The voice processing system of claim 9, wherein said one or more predetermined words are specific to the particular prompt being played out.

11.   The voice processing system of claim 7, in which said voice processing system and said user communicate with each other over a telephone network, whereby the prompt is played out over a telephone connection, and said audio input is received back over the telephone connection.

12.   The voice processing system of claim 7, wherein said means for receiving caller input includes a voice activity detector for discriminating between speech input and other forms of tone or noise input.

13.   The voice processing system of claim 7, further comprising means for calculating one or more acoustic parameters of the audio input to assist determining whether to continue or to terminate playing out of said prompt.

14.   A computer readable medium containing computer program instructions for a voice processing system for providing speech recognition with barge-in, said computer program instructions comprising instructions for:

playing out a prompt to a user;

receiving audio input from the user while said prompt is still being played out;

performing speech recognition on said audio input to determine a corresponding text;

performing lexical analysis on said text to determine whether [or not] the text satisfies one or more conditions <u>which reflect a relevant user response to said prompt</u>;

responsive to said text satisfying said one or more conditions, terminating the playing out of the prompt and;

otherwise, continuing the playing out of said prompt.

15.   The computer readable medium of claim 4, further comprising the instruction, responsive to said instruction of continuing the playing out of said prompt, of discarding said text.

16.   The computer readable medium of claim 4, wherein said instruction of performing lexical analysis to determine whether [or not] the text satisfies one or more conditions comprises the instruction of scanning the text to see if it contains one or more predetermined words.

17.   The computer readable medium of claim 16, wherein said one or more predetermined words are specific to the particular prompt being played out.

18.   The computer readable medium of claim 4, in which said voice processing system and said user communicate with each other over a telephone network, whereby the prompt is played out over a telephone connection, and said audio input is received back over the telephone connection.

19.   The computer readable medium of claim 4, further comprising the instruction of using one or more acoustic parameters of the audio input to assist determining whether to continue or to terminate playing out of said prompt.

20.   A voice processing system for providing speech recognition with barge-in, said voice processing system comprising:

circuitry for playing out a prompt to a user;

circuitry for receiving audio input from the user while said prompt is still being played out;

circuitry for performing speech recognition on said audio input to determine a corresponding text;

circuitry for performing lexical analysis on said text to determine whether [or not] the text satisfies one or more conditions which reflect a relevant user response to said prompt;

circuitry responsive to said text satisfying said one or more conditions, for terminating the playing out of the prompt and;

otherwise, circuitry for continuing the playing out of said prompt.

21.   The voice processing system of claim 20, further comprising circuitry, responsive to said circuitry of continuing the playing out of said prompt, for discarding said text.

22.   The voice processing system of claim 21, wherein said circuitry for performing lexical analysis to determine whether [or not] the text satisfies one or more conditions comprises circuitry for scanning the text to see if it contains one or more predetermined words.

23.   The voice processing system of claim 22, wherein said one or more predetermined words are specific to the particular prompt being played out.

24.   The voice processing system of claim 23, in which said voice processing system and said user communicate with each other over a telephone network, whereby the prompt is played out over a telephone connection, and said audio input is received back over the telephone connection.

25.   The voice processing system of claim 24, wherein said circuitry for receiving caller input includes a voice activity detector for discriminating between speech input and other forms of tone or noise input.

26.   The voice processing system of claim 25, further comprising circuitry for calculating one or more acoustic parameters of the audio input to assist determining whether to continue or to terminate playing out of said prompt.

27.   The method of claim 1, further comprising the step of determining if said audio input is speech input, and wherein if said audio input is speech input, said step of performing speech

recognition comprises performing speech recognition on said speech input to determine a corresponding text.

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